

REMARKS

This Request for Reconsideration is submitted in response to the Examiner's Final Action dated October 4, 2003. Applicant provides a comprehensive analysis of the reasons why the claims are allowable over the cited references. Applicant has not amended the claims.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

At paragraph 4 of the Office Action, Claims 1-7, 9, 11-18, 20, 22-29, 31 and 33 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Smith, et al. (U.S. Patent No. 6,006,206). Smith does not render Applicant's claimed invention unpatentable because Smith fails to suggest the subject matter recited in Applicant's claims.

Applicant hereby incorporates by reference the arguments proffered in Amendment A filed on July 21, 2003. As stated therein, Smith provides a status code generator that checks the health of a data source and automatically updates a status code "when the **operating status** of a corresponding data source changes" (emphasis added) (Abstract; see also Figure 5, which clearly illustrates that the source status signal is related to the operation of the source and is at the network level (steps 501-504). Smith's client side terminal merely receives "the status codes, which it processes to determine whether there is a problem in the receipt of the financial data, which prevents the terminal's receipt of the data in real time" (Abstract; see also, col. 3, lines 30-37, 40-42). Smith then displays a stale copy of the data when the data cannot be received in real time because of the problem identified by the status code.

Clearly, the status code indicates hardware and/or communication/transmission problems at the source. Thus, Smith, in effect, determines when a technical or similar problem exists at the data source and displays stale data whenever such a problem is encountered. Smith does not suggest automatically responding to updates to the actual file data to provide a copy of the newest version of the data on the client.

Displaying old data because there is a problem with a server/source that prevents the new data from being sent to the client is inherently different and NOT suggestive of determining

AT9-99-367
Amendment B
Page 8 of 11

when there is a newer version of the file data and downloading the newer version for display at the client to replace the old version.

In direct contrast to Smith, Applicant's claimed invention provides a number of features that are not suggested by Smith. Among these features (identified by the respective paraphrased claims) are:

- (1) evaluating at a client if a source identifier is present in the downloaded file and attaching (at the client) a source identifier if no source identifier is present in the downloaded file;
- (2) if a newer version of the downloaded file exists at the server, replacing the downloaded file at the client with the newer version; [Note, there is no download of status messages concerning the health of the source]
- (3) actually "prompting" a user to replace the downloaded file with a newer version when a newer version exists;
- (4) defining a default, automatic time interval at which a check is made from the client for a newer version of the downloaded file and enabling a user to adjust the time interval; and
- (5) checking the source whenever the downloaded file is opened, and when there is a defined periodic time interval at which an automatic checking occurs, overriding the time interval by initiating the check at the time the downloaded file is opened.

Examiner provides an analysis of some of these features in light of the teachings of Smith, but apparently misses on several key elements that distinguishes Applicant's claims from Smith. For example, as described by Examiner and recited by Smith, col. 3, lines 20-34 provides the description of a status code generator (at the source) to update the status code covering the "operating status" of the data source [i.e., NOT update of the actual downloaded file data] and transmitting the "updated status code" [i.e., NOT transmitting updated/new file]. Clearly, the operational/functional features of a status code generator (for hardware and/or transmission status checking) does not suggest a checking of a source to determine if a newer version of a downloaded file exists. One skilled in the art would not find the former feature suggestive of the latter.

AT9-99-367
Amendment B
Page 9 of 11

As another example, Examiner analyzes col. 12, lines 33-67 and Figures 5 and 6 (and descriptions thereof) which describes a data health monitor for detecting and identifying non-current financial data [i.e., detecting old data and NOT identifying new/updated files] that includes a client side terminal, which selects stale or real-time display mode "based upon ... status code and updated status code." It is clear that displaying stale data based on the value of a status code and updated status code is not suggestive of providing a display of new data once the new data is identified as being available. Further, contrary to Examiner's assertion, one skilled in the art would not find Smith's recitation suggestive of a user-defined time interval for checking the source (from the client) for updates to a downloaded file (and/or automatically checking the source for an update whenever the downloaded file is opened by a user).

From the above arguments, it is clear that Smith does not contemplate or suggest the various features that are now provided within Applicant's claims. Thus, one skilled in the art would not find Applicant's invention obvious in light of Smith. The above claims are therefore allowable over Smith.

At paragraph 5 of the Office Action, Claims 8, 10, 19, 21, 30 and 32 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Smith, et al., in view of Kullick, et al. (U.S. Patent No. 5,764,992). The above arguments, which serve to overcome the §103 rejections of the independent claims over Smith also overcomes the present §103 rejections of the dependent claims over the combination of Smith and Kullick.

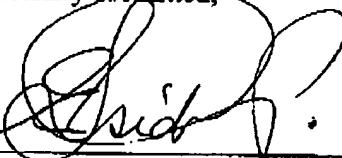
AT9-99-367
Amendment B
Page 10 of 11

CONCLUSION

Applicant has diligently responded to the Office Action by clearly expressing why the claims are not obvious over Smith or over Smith in view of Kullick. The arguments overcome the §103 rejections, and Applicant, therefore, respectfully requests reconsideration of the rejection and issuance of a Notice of Allowance for all claims now pending.

Applicant respectfully requests the Examiner contact the undersigned attorney of record at (512) 542-2100 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



Eustace P. Isidore
Registered with Limited Recognition (see attached)
BRACEWELL & PATTERSON, L.L.P.
P.O. Box 969
Austin, Texas 78767-0969
(512) 542-2100
ATTORNEY FOR APPLICANT(S)

AT9-99-367
Amendment B
Page 11 of 11

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Expires: May 8, 2004



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Director of Enrollment and Discipline